

FACT WITNESS TRAVEL INSTRUCTIONS

The U.S. Marshal's Office is authorized to reimburse expenses for travel from the place the subpoena was served to and from the city where the individual is required to appear. The following information is provided to assist the attorney when dealing with a fact witness. For more detailed information on fact witnesses, please refer to the Public Defender's Handbook (*located in the CJA Manual as Exhibit I.*) . The CJA Office will coordinate the fact witness' travel with the U.S. Marshal's Office.

REQUIREMENTS TO OBTAIN A FACT WITNESS FOR COURT HEARING OR DEPOSITION:

- 1) Prepare Application/Order Re: Issuance of Subpoena, Statutory Witness Fees, Travel Costs and Lodging Expenses and Subpoena(s). Sample order attached as Exhibit J (1). Subpoenas (Criminal or Civil) attached as Exhibit J (3).
- 2) Submit proposed order, application and subpoena(s) to CJA Section for final review. The CJA Section will fax the order and accompanying documents to the appropriate judge for approval.
- 3) After approval is obtained, the CJA Section will serve the attorney and fax a copy of the order and subpoena to the U.S. Marshal's Office at the location where the witness resides.
- 4) Each local office of the U.S. Marshal is responsible for paying and arranging travel for the witness to the next travel destination.
- 5) If a travel advance is required, please inform the CJA Office immediately. The CJA Office will inform the U.S. Marshal's Office of the request.

REIMBURSABLE ITEMS FOR FACT WITNESS:

Witness Fee:

For each day the witness is away from home, the witness is entitled to a \$40.00 witness fee.

Lodging, Meals and Incidental Expenses:

The reimbursement of lodging and meals is based on the government per diem location rate. Refer to the Government Per Diem Rates located at the Court's Web Page: www.cand.uscourts.gov, refer to "For Attorneys, CJA Information and Forms, Per Diem Rates. The half day per diem rate is \$23.00 (travel day).

Lodging and meals are included in the government per diem rate. The attorney/witness is responsible for making hotel reservations and insuring that it is within the per diem rate. A receipt is required for reimbursement of lodging expenses. **The U.S. Marshal's Office will not pay over the per diem rate—NO EXCEPTIONS.**

REIMBURSABLE ITEMS FOR FACT WITNESS (continued):

Transportation:

In addition to the per diem costs, the U.S. Marshal's Office will reimburse the witness for the use of shuttle bus or taxi to and from home/airport; airport/hotel; and hotel/courthouse. The witness is allowed to claim mileage for the trip to and from airport/home if a privately owned vehicle is used. Refer to the mileage rates on the Court's Web Page: www.cand.uscourts.gov, refer to "For Attorneys, CJA Information and Forms, Mileage Rates."

Completion of Testimony/Deposition:

After the completion of the testimony/deposition, the witness and attorney are required to go to the CJA Section to complete the Fact Witness Travel Voucher Form (OBD-3). The form will be completed by the CJA Section and given to the attorney/witness. The attorney/witness will take the form to the U.S. Marshal's Office which then will coordinate the travel arrangements for the witness to return home and reimburse witness for travel expenses incurred.

Any questions regarding a fact witness, please contact Pat Harris, CJA Supervisor, at (415) 522-2075 or the CJA Section at (415) 522-2870.